

REMARKS

This Preliminary Amendment and Response is submitted with a Request for Continued Examination under 37 C.F.R. 1.114, and is intended to fully respond to the Final Office Action mailed July 1, 2004. Claims 1-4, 10-16, 20-26 and 28-31 were examined in the Final Office Action and all claims stand rejected. More specifically, claims 1-4, 10-16, and 20-25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Beaton et al. (USPN 6,037,937); and claims 26, and 28-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Beaton and Capps et al. (USPN 6,512,525).

In this Response, claims 1-32 have been canceled and new claims 33-64 have been substituted in their place. The new claims closely track those found in the three original claim sets (i.e., new independent claim 33 is similar in form to original claim 1, new independent claim 43 is similar in form to original claim 10, and new independent claim 55 is similar in form to original claim 20). However, each of the new independent claims have been amended in one respect to specifically distinguish the cited prior art, as described below. In view of the amendments and these remarks, reconsideration of the outstanding rejections relating to the prior (canceled) claims is respectfully requested.

New Claims

New claims 33-64 are similar in scope to original claims 1-32 but specifically recite that the “input elements” are separate from the display itself. In particular, while the detailed description describes a variety of input elements including buttons, joysticks, rocker switches, rotary dials, slide bars, and touch screen displays (see page 7, lines 10-13), the new independent claims presented herein specifically exclude touch screens by reciting that the “input elements” are “separate from the display.” Furthermore, certain dependent claims specifically recite that the input element may include one or more push buttons or be selected from a group consisting of a joystick, a rocker switch, a rotary dial, and a slide bar. These new claims are not anticipated (nor are they rendered obvious) by the cited prior art, as described below.

Prior Claim Rejections

Original claims 1-4, 10-16, and 20-25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Beaton et al. (USPN 6,037,937, hereafter “Beaton”), while the remaining claims stand rejected under 35 U.S.C. § 103(a) as being obvious over Beaton and a supporting reference. Specifically, the Office Action noted that Beaton displayed an information screen with a control image displayed in the background. The Office Action further noted that the Beaton graphical user interface included at least one “input element” associated with the background control image. However, it is apparent that the Beaton “input element” only constituted a portion of the touch screen display (see p. 3 of the Final Office Action which cites FIG. 8 and col. 4, lines 56-63 of Beaton describing the touch screen used in the Beaton device). Indeed, due to the integration of a touch screen within the Beaton device, Beaton does not teach or suggest the use of separate input elements such as those described and claimed in the present invention. Furthermore, the supporting reference of Capps et al. (U.S.P.N. 6,512,525) does not supply the missing suggestion or teaching relative to the recited “input element” (Capps was cited only for its alleged ability to subdivide a character set).

In sum, the two cited prior art references do not disclose or suggest a user interface for an electronic device having “input elements” on the housing of the device that are used to activate background control images presented on the display screen. Furthermore, the cited references do not disclose or suggest the use of multiple input elements (or the use of an input element such as joystick or a rocker switch that provides for movement in two or more directions), where the input element(s) are associated with a plurality of control images on the screen. Rather, Beaton simply discloses a single control image that may be activated by pressing a touch sensitive display.

Since the remarks above are believed to distinguish over the applied references, any remaining arguments supporting the claim rejections are not acquiesced to because they are not addressed herein.

Conclusion

The accompanying Request for Continued Examination includes the appropriate filing fee as well as the fee for a 3-month extension of time to respond to the Final Office Action filed July 1, 2004. It is believed that no further fees are due with this Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

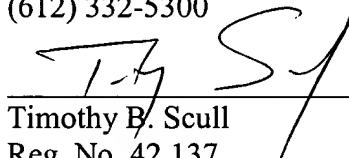
As all claims in the application are believed to be in condition for allowance, Applicants request the application be allowed and passed to issuance as soon as possible. Should any additional issues need to be resolved, the Examiner is requested to telephone the undersigned to attempt to resolve those issues.

Respectfully submitted,

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